

5.12 Any Party may charter space on an ad hoc basis to another ocean common carrier on its vessels in the Trade if it first offers such space to the other Parties and each of them declines to charter it.

~~5.13 The Parties may discuss and, on a voluntary adherence basis, agree upon any rates (ocean, inland or intermodal), charges, rules, regulations, practices, tariff or service items or rate policy and exceptions therefrom, and the terms and conditions of their respective service contracts. The Parties are not authorized to publish a common tariff hereunder, but are authorized to agree to aggregate the volume of cargo for purposes of service contracts and time volume rates separately published in their individual essential terms publications or individual tariffs.~~

5.14 13 The foregoing provisions of this Article shall not be deemed to be definitive of the authority of the Parties under this Agreement and such authority shall also include that which is elsewhere expressed herein and extend to all operations, activities and agreements interstitial to or otherwise in implementation of all such expressed authority provided, however, that any further agreement among the Parties which is required by law to be filed shall not be implemented until it is filed and legally effective.

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EXECUTION

Wherefore, the Parties have caused this 9<sup>th</sup> 10<sup>th</sup> Amendment to the Agreement to be executed by their respective duly authorized representatives or attorneys-in-fact as witnessed below and agreed that it shall enter into effect on ~~1 May 2004~~ or the earliest first day date thereafter it shall become effective pursuant to the Shipping Act of 1984, as amended.

MITSUI O.S.K. LINES, LTD

By: \_\_\_\_\_

Name: Howard A. Levy

Title: Attorney-In-Fact

HANJIN SHIPPING CO., LTD

By: \_\_\_\_\_

Name: Howard A. Levy

Title: Attorney-In-Fact

KAWASAKI KISEN KAISHA, LTD  
("K" LINE)

By: \_\_\_\_\_

Name: Howard A. Levy

Title: Attorney-In-Fact

ZIM INTEGRATED SHIPPING SERVICES LTD.

By: \_\_\_\_\_

Name: Howard A. Levy

Title: Attorney-In-Fact

New York, NY  
January 3, 2005

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